

City of Alexandria, Virginia

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5-14-02

MEMORANDUM

DATE: MAY 8, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER ^S

SUBJECT: ORDINANCE ADOPTING A FEE APPROVED BY THE VIRGINIA
GENERAL ASSEMBLY TO OFFSET THE COSTS OF COURTHOUSE AND
COURTROOM SECURITY

ISSUE: City Council consideration of an ordinance approving the fee to be added to court costs to provide revenue for courthouse and courtroom security. Localities were authorized to levy this fee during the 2002 General Assembly, effective July 1, 2002.

RECOMMENDATION: That City Council pass the proposed ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading and final passage on Saturday, May 18, 2002.

DISCUSSION: During this year's General Assembly, legislation was passed related to the funding of security costs at courthouses and in courtrooms. This legislation, an amendment to Section 53.1-120 of the Code of Virginia, allows the City to assess a fee not in excess of five dollars as part of the court costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. The legislation provides that revenue derived from fee is to be used to offset the costs incurred by the Sheriff in providing security personnel at the courthouse and in courtrooms. The attached proposed ordinance sets this fee in Alexandria at \$5.00. The estimated revenue from this new fee is \$80,000 in FY 2003. The specific use of the revenue will be determined by the Sheriff in cooperation with the Alexandria Courts.

FISCAL IMPACT: The fee revenue for FY 2003 from this increase in court costs is estimated to be \$80,000.

ATTACHMENTS:

Attachment 1: Virginia Acts of Assembly Senate bill 693

Attachment 2: Proposed Ordinance

STAFF:

Edward Semonian, Clerk of Courts

Gene Swearingen, Director, Office of Management and Budget

Grealy Marshall, Fiscal Officer, Sheriff's Office

Paul Doku, Budget/Management Analyst

Dan Neckel, Director, Finance

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 756

An Act to amend and reenact § 53.1-120 of the Code of Virginia, relating to courthouse and courtroom security.

[S 693]

Approved April 7, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ~~designate deputies who shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption~~ *and shall designate deputies for this purpose.* A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. *Any county or city, through its governing body, may assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security personnel. The provisions of this subsection shall expire on July 1, 2004.*

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5-18-02

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5-14-02

Introduction and first reading:	05/14/02
Public hearing:	05/18/02
Second reading and enactment:	05/18/02

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to enact new Section 3-2-52.1 (ASSESSMENT OF FEE FOR COURTHOUSE SECURITY PERSONNEL), and to amend and reordain Section 3-2-53 (COLLECTION, REMITTANCE AND APPROPRIATION) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

As authorized by state law, the proposed ordinance provides for the assessment of a fee of \$5 in certain court cases to fund the costs of courthouse security personnel.

Sponsor

Staff

Gene Swearingen, Director of Management and Budget
Daniel A. Neckel, Director of Finance
Steven L. Rosenberg, Senior Assistant City Attorney

Authority

§ 53.1-120, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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5-18-02

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ORDINANCE NO. _____

AN ORDINANCE to enact new Section 3-2-52.1 (ASSESSMENT OF FEE FOR COURTHOUSE SECURITY PERSONNEL), and to amend and reordain Section 3-2-53 (COLLECTION, REMITTANCE AND APPROPRIATION) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding new section 3-2-52.1 to read as follows:

Sec. 3-2-52.1 Assessment of fee for courthouse security personnel.

(a) In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$5, for the funding of courthouse security personnel, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is convicted of a violation of any statute or ordinance.

(b) Subsection (a) of this section 3-2-52.1 shall expire on July 1, 2004, unless the provisions of subsection (D) of Virginia Code § 53.1-120 are amended either (i) to repeal the expiration date set forth in such subsection (D), in which case such repeal shall be incorporated herein by reference and this subsection (b) shall be of no further force or effect, or (ii) to amend the expiration date set forth in such subsection (D), in which case such amendment shall be incorporated herein by reference, and the expiration date set forth in this subsection (b) shall coincide with the expiration date set forth in such subsection (D).

Section 2. That Section 3-2-53 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-53 Collection, remittance and appropriation.

(a) The assessments provided for in this article shall be charged and collected by the clerk of the court in which the action or case is filed in the same manner as other costs or fees in like actions or cases are charged and collected, and shall be remitted by the clerk to the director of finance to be held for appropriation by city council.

(b) The appropriation by city council of the fee assessed under section 3-2-51 shall be for the support of the law library as follows:

(1) the acquisition of law books and law periodicals;

(2) the compensation, as fixed by council, of librarians and necessary staff for the maintenance of the law library; and

(3) the acquisition of suitable quarters for the library.

(c) The appropriation by city council of the fee assessed under section 3-2-52 shall be for the construction, renovation or maintenance of the city's courthouse, jail or court-related facilities, or to defray increases in the costs of providing heat, cooling, electricity and ordinary maintenance services to the courthouse, jail or court-related facilities.

(d) The appropriation by city council of the fee assessed under section 3-2-52.1 shall be for the funding of courthouse security personnel.

Section 3. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction:	5/14/02
First Reading:	5/14/02
Publication:	5/16/02
Public Hearing:	5/18/02
Second Reading:	5/18/02
Final Passage:	

N.B. Underlining is not part of the ordinance but denotes material that is new or amended. Strike-outs or dashes are not part of the ordinance but denote material that is being deleted.

ORDINANCE NO. 4251

AN ORDINANCE to enact new Section 3-2-52.1 (ASSESSMENT OF FEE FOR COURTHOUSE SECURITY PERSONNEL), and to amend and reordain Section 3-2-53 (COLLECTION, REMITTANCE AND APPROPRIATION) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding new section 3-2-52.1 to read as follows:

Sec. 3-2-52.1 Assessment of fee for courthouse security personnel.

(a) In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$5, for the funding of courthouse security personnel, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is convicted of a violation of any statute or ordinance.

(b) Subsection (a) of this section 3-2-52.1 shall expire on July 1, 2004, unless the provisions of subsection (D) of Virginia Code § 53.1-120 are amended either (i) to repeal the expiration date set forth in such subsection (D), in which case such repeal shall be incorporated herein by reference and this subsection (b) shall be of no further force or effect, or (ii) to amend the expiration date set forth in such subsection (D), in which case such amendment shall be incorporated herein by reference, and the expiration date set forth in this subsection (b) shall coincide with the expiration date set forth in such subsection (D).

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Sec. 3-2-53 Collection, remittance and appropriation.

(a) The assessments provided for in this article shall be charged and collected by the clerk of the court in which the action or case is filed in the same manner as other costs or fees in like actions or cases are charged and collected, and shall be remitted by the clerk to the director of finance to be held for appropriation by city council.

(b) The appropriation by city council of the fee assessed under section 3-2-51 shall be for the support of the law library as follows:

(1) the acquisition of law books and law periodicals;

(2) the compensation, as fixed by council, of librarians and necessary staff for the maintenance of the law library; and

(3) the acquisition of suitable quarters for the library.

(c) The appropriation by city council of the fee assessed under section 3-2-52 shall be for the construction, renovation or maintenance of the city's courthouse, jail or court-related facilities, or to defray increases in the costs of providing heat, cooling, electricity and ordinary maintenance services to the courthouse, jail or court-related facilities.

(d) The appropriation by city council of the fee assessed under section 3-2-52.1 shall be for the funding of courthouse security personnel.

Section 3. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Final Passage: May 18, 2002